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Fax:	(703) 872-9326	Pages:	6
Your Re:	U.S.S.N. 09/540,968	Our Re:	ITL0365US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stanley Mo et al. § Group Art Unit: 3627
§
Serial No.: 09/540,968 §
§
Filed: March 31, 2000 § Examiner: A. Rudy
§
For: MANAGING ON-LINE § Atty. Dkt. No.: ITL.0365US
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Commissioner for Patents
Washington DC 20231

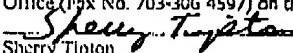
**Petition to the Technology Center Director Under
MPEP § 1002.02(c)3 or, In the Alternative, A Matter Submitted to the Technology
Center Director under M.P.E.P. §1003, An Unusual Question of Practice**

The Examiner has deemed the Applicant's Reply to Paper No. 4 as not fully responsive. Specifically, because proposed drawings were not submitted in response to an objection pursuant to 37 C.F.R. §1.83(a) the Reply was considered not fully responsive.

However, the Applicant asserts that its Reply to Paper No. 4 was fully responsive. Specifically, new or corrected drawings are not required because the drawings comply with §1.83(a) requirements.

Facts Involved

1. On February 28, 2002, the Examiner mailed a second Office Action, Paper No. 4, with a first objection to the drawings under 37 C.F.R. §1.83(a). Specifically, the Examiner asserted that a server, a memory coupled to the server, a dedicated inventory allocation, software (indicated as "TMI" in Fig. 5), a processor-based system and the Internet were features that were not shown in the drawings.
2. On March 18, 2002, in response to the Office Action, Applicant amended its claims. However, proposed drawing corrections or corrected drawings were not submitted. Instead, the Applicant explained how the various features were depicted in the drawings.
3. On June 17, 2002 the Examiner rejected the Applicant's arguments indicating that the Applicant's Reply was not fully responsive and that unless a responsive reply was timely filed, the application would become abandoned.

Date of Deposit: June 26, 2002
I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703-306 4597) on the date indicated above.
 Sherry Tipton

4. The drawings comply with the requirements pursuant to 37 C.F.R. §1.83(a); thus, there is no need to submit drawing corrections.

Points to be Reviewed

1. The Server

In part, claim 19 calls for a server that completes a plurality of on-line transactions and a memory coupled to the server that stores an inventory allocation. Also in part, claim 29 calls for a server and storage storing software that causes the server to provide a dedicated inventory allocation. The Examiner has indicated that the drawings do not show a server. Referring to Figure 1, the on-line transaction service 12 and the product vendor inventory management system 16 each include a server. For example, the on-line transaction service 12 includes a server that presents web pages for viewing by on-line customers 18 coupled to a network 14 such as the Internet. See page 4, lines 10-11. Similarly, the product vendor inventory management system 16 is a server-based system. See page 9, lines 4-7. Thus, the rectangular boxes depicting the on-line transaction service 12 and the product vendor inventory management 16 are representative of a server.

2. A Memory Coupled to the Server

As stated, claim 19 calls for a server that completes a plurality of on-line transactions and a memory coupled to the server that stores an inventory allocation. Referring to Figure 1, storage 13 is clearly coupled to the on-line transaction service 12. Similarly, storage 17 is coupled to the product vendor inventory management system 16. As explained above, the transaction service 12 and the inventory management system 16 include servers. Thus, storage 13 and storage 17 are coupled to servers 12 and 16 respectively.

Moreover, as explained in Applicant's Reply to Paper No. 4, "a server is type of computer system that includes a processor and works with a memory.... It is well understood that those skilled in the art that the storage 13 may also be called a memory." See Reply to Paper No. 4, page 7. Similarly, it is also well

understood by those skilled in the art that storage 17 may also be called a memory. Thus, the drawings show a memory coupled to a server.

3. Software (Indicated as "IMF" in Fig. 5)

The IMS software 52 as outlined in Figure 5 is clearly shown in Fig. 1 as being stored on storage 17. Thus, the drawings show both software 20 and software 52 each being stored on storage 13 and 17 respectively.

4. A Processor-Based System

Claims 10 and 26 previously called for a processor-based system. However, these claims have been amended to call for a computer. As stated in the Applicant's response, a server is a type of computer system that includes a processor. Referring to Figure 1, the transaction service 12 and inventory management system 16 include servers that are a type of computer. Accordingly, a representation of a computer is shown in the drawings.

5. The Internet

Claims 5, 14, 20 and 30 each refer to the Internet. For example, claims 5 and 14 call for receiving an allocation over the Internet, whereas claims 20 and 30 call for a server being coupled to the Internet.

Referring to Figure 1, the network 14 may be the Internet. See page 4, line 12. See also page 7, lines 3-5. Moreover, the on-line transaction service 12 and the product vendor inventory management system 16 are each coupled to the network 14, hence the Internet. Accordingly, a representation of the Internet is shown in the drawings.

6. A Dedicated Inventory Allocation

Claim 29 calls for a server and a storage storing software that causes the server to provide a dedicated inventory allocation, receive a request for additional dedicated inventory allocation, and provide an additional dedicated inventory allocation.

Referring to Figure 1, the on-line transaction service 12 maintains an inventory or a product allocation. See page 4, lines 24-25. The on-line transaction service 12 receives an allocation or inventory by a query made to the product vendor inventory management system 16. See page 5, lines 1-3. When the service 12 makes a request for an allocation of inventory, the request is for an allocation of some number of products from the product vendor inventory management system 16. See page 5, lines 5-6. Thus, there is a dedicated inventory allocation for that request.

Referring to Figure 2, the on-line transaction service 12 requests an allocation of some number of products. See block 26. When the product vendor inventory management system 16 receives this inventory request, as shown at diamond 54 of Figure 5, it is a request for an allocation, or for some number of products. If the inventory is available, as determined in diamond 56, the inventory is allocated or dedicated as indicated in block 60. Thus, the representation of a dedicated inventory allocation is shown in the drawings.

Requested Action

The Applicant respectfully requests that the amendments proposed in its Reply to Paper No. 4 be entered and that the Reply be considered fully responsive.

Legal Argument

The drawings show every feature of the invention specified in the claims. Rule 83(a) mandates that the drawings show every feature of the invention specified in the claims. See 37 C.F.R. §1.83(a). However, that section also indicates that "conventional features disclosed in the description and claims where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box)." *Id.*

Conventional features such as a server, a memory coupled to a server, software and the Internet are illustrated at least in Figure 1. Specifically, the rectangular boxes 12 and 16 represent servers. Moreover, the rectangular boxes 13 and 17 that are coupled to boxes 12 and 16 respectively represent a memory coupled to the server. Similarly, software 20 and 52, which

are represented by rectangular boxes, are illustrated as being stored in storage 13 and 17 respectively. Likewise, the network is represented at 14, which is a common illustration used to represent a network such as the Internet. Thus, the drawings show at least these features in a manner acceptable pursuant to Rule 83(a).

Along the same line, various boxes and diamonds in the flow charts outlined in Figures 2, 3 and 5 represent a dedicated inventory allocation. For example, an inventory request is indicated at box 26 of Figure 2 and at Figure 3. This inventory request is received as indicated in diamond 54 of Figure 5. If the inventory is available it is allocated to the service 12 making the request, as shown in diamond 56 and block 60 of Figure 5. Thus, there is a representation in the drawings for a dedicated inventory allocation.

In sum, each feature of the invention specified in the claims is shown in the drawings pursuant to 37 C.F.R. §1.83(a). Accordingly, the amendments should be entered and prosecution permitted to proceed.

Fee

A petition brought pursuant to Rule 1.181 does not have a fee expressly provided for in Rule 1.17. The Commissioner is authorized to charge any additional fees to Deposit Account No. 20-1504.

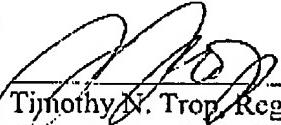
Statement that Petition is Timely Filed

The complained about action took place on June 17, 2002, thus this matter has been addressed within 2 months of that date.

Date:

6/26/02

Respectfully submitted,



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